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## New Mexico State Legislature

STATE CAPITOL

Santa Fe

August 8, 2014

Tom Wheeler, Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

The New Mexico legislative interim Science, Technology and Telecommunications Committee is charged with looking for solutions that lead to legislative action in emerging technologies, communication infrastructure, information technology and technology transfer. During the 2014 legislative interim, topics for our meeting agendas include broadband and telecommunications availability and deployment across New Mexico.

Access to high-quality internet service is crucial to New Mexico. Many of our rural towns are hundreds of miles from urban centers, and those constituents need the same quality of service. In some cases, a small town will disappear if its residents cannot get the service they need.

We are pleased that the Federal Communications Commission (FCC) recognizes this problem and is taking steps — through its Connect America Fund Phase II (CAF II) regulations — to solve it. After reviewing your proposed regulations, we can see that you are calling for bold action, particularly with your mandate to double download speeds.

We applaud your efforts, but we write this letter to express our concern about three important issues that, if left unresolved, could lead to CAF II's shortfall in delivering on its promise to bring high-quality broadband service to rural America.

First, we are concerned that a broadband provider that competes with CenturyLink, or other New Mexico incumbent local exchange carriers, could prevent almost all of the residents in a federal census block from receiving access by providing service to just a fraction of the residents or by overstating its coverage of broadband services. The strength of the regulations should not depend on the promises of a provider. There should

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be independent verification to prevent providers from exploiting the rules for their own benefit. As an example, one of these types of providers claims it can provide broadband services to the La Tierra Nueva subdivision just outside of Santa Fe. When residents called the provider, they found that only T-1 service was available at a much higher cost than the average cost of broadband service in New Mexico.

Second, it is worrisome that unlicensed fixed wireless internet service providers (WISPs) are treated as equivalent to the service from facilities-based fiber broadband service. WISPs have significant problems: limited capacity, signal interference and line-of-sight issues. Fixed wireless is not infrastructure. It is a supportive technology, not a backbone.

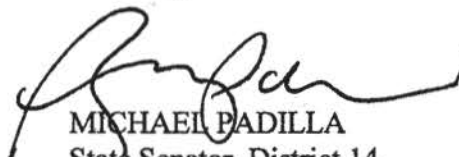
Third, your ambitious plan to increase download speed from four mbps to 10 mbps will have a far-reaching impact. We fear that providers will have a difficult time meeting this mandate in the time allowed.

We urge the FCC to consider addressing these issues in four steps.

- Extend the funding period to 10 years to build the higher capacity network.
- Establish reasonable network build-out parameters.
- Allow funds to be used to reach all unserved, high-cost households, including those living in the same federal census block as a household that does have access to 10 mbps broadband.
- Require broadband service coverage claims from competing providers to be verified through a strong and independent challenge.

In closing, the Science, Technology and Telecommunications Committee wants to thank the FCC for taking on this important task. This is difficult work, and the commission has invested a lot of time and money in the effort. The committee hopes the FCC will make these suggested improvements to ensure that all of its hard work leads to good results.

Sincerely,



MICHAEL PADILLA  
State Senator, District 14  
Chair, Science, Technology and  
Telecommunications Committee

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